

Minutes  
Work Session  
Aberdeen Town Board

November 3, 2011  
Thursday, 5:30 p.m.

Robert N. Page Municipal Building  
Aberdeen, North Carolina

The Aberdeen Town Board met Thursday, November 3, 2011 at 5:30 p.m. for the Work Session. Members present were Mayor Elizabeth B. Mofield, Mayor Pro-tem Robbie Farrell, and Commissioners Pat Ann McMurray, Alan Parker, Jim Thomas, and Walter Wright. Staff members in attendance were Planning Director Kathy Liles, Senior Planner Pam Graham, Planning Intern Jae Kim, Town Manager Bill Zell, Fire Chief Phillip Richardson, and Town Clerk Regina Rosy. Attorney T.C. Morphis, Ray Ogden, Reporter for the Pilot Tom Embrey, Dean King, and Gary Hill were also in attendance for the meeting.

Mayor Mofield called the meeting to order at 5:30 p.m.

1. Legacy Lakes Sewer Easement.

Attorney Morphis stated the folks at FC Pinehurst LLC have signed the sewer easement. Attorney Morphis stated this easement is basically in case we ever need to provide sewer to the clubhouse at Legacy Lakes. Attorney Morphis stated in this particular case, the Town needs to sign this sewer easement too. Attorney Morphis stated he has no problem with the wording in the sewer easement. Attorney Morphis asked for approval from the Board for the Mayor to execute this easement.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve the Sewer Easement for Legacy Lakes. Motion unanimously carried.

2. Contract for Fire Protection and Rescue Services.

Attorney Morphis stated this is follow-up from an issue that the Town has been working on for a while. Attorney Morphis stated this is a contract (very similar to what Moore County enters into with rural fire departments). Attorney Morphis stated there are 2 pieces to this contract – the Town will provide all services set forth in the contract in the Aberdeen Fire District, and just rescue service in Pinebluff. Attorney Morphis stated there is a provision that with 30 days notice, Pinebluff can take over their own rescue services in their area.

Fire Chief Richardson stated the Aberdeen Fire Department started running rescue calls when Aberdeen Rescue Squad dismantled a few months ago, therefore Pinebluff was no longer able to provide rescue service. Moore County asked Aberdeen to provide rescue

service to the Town of Pinebluff. The hope was that Pinebluff would be able to provide their own rescue service, but they are still currently unable to provide the rescue service at this time.

Fire Chief Richardson stated there are not that many rescue calls for Pinebluff – there were only 28 last year, and only 4 rescue calls have been ran for the Town of Pinebluff since July 1. Fire Chief Richardson stated Pinebluff handles their own medical calls. Mayor Mofield asked what the difference was between medical and rescue. Fire Chief Richardson stated rescue would be for car accidents, falling off of a building, etc.

Commissioner Thomas asked what is in this agreement for Aberdeen. Fire Chief Richardson stated if this contract is signed, then Aberdeen will get paid more money from Moore County for providing the rescue service for Pinebluff.

Fire Chief Richardson stated he hopes at some point in the future Pinebluff would be able to provide their own rescue service, but right now they are not able to provide that service.

Commissioner Parker confirmed that Attorney Morphis and Fire Chief Richardson recommended this contract for Board approval. Attorney Morphis and Fire Chief Richardson stated they do recommend this contract for Board approval.

Mayor Pro-tem Farrell asked if this agreement is open-ended. Attorney Morphis stated under duration, it is valid and effective from the day parties entered into the contract, and will continue in effect until superseded by a new contract, and there is a 30 day provision for termination.

A motion was made by Commissioner Parker, seconded by Commissioner Thomas, to approve the Contract for Fire Protection and Rescue Services. Motion unanimously carried.

### 3. Discussion of Change in Procedure for Public Hearings.

Planning Director Liles stated this would just be a discussion to see how the Board feels about a possible change in procedure for public hearings. Planning Director Liles stated this issue is really a timeline issue for staff more than anything. Planning Director Liles stated when an applicant comes in and needs a conditional use permit or rezoning, they make application, there is a staff review process (could take about a week to a month), then 30 days available to get to the Planning Board, the day after Planning Board meeting the legal notice has to go to Town Clerk Regina Rosy for legal advertisement and a staff report has to be completed by staff by the next meeting, then the item goes to Work Session, the Board calls for public hearing, there is a public hearing at the Board Meeting,

then back to the Work Session the next month, and a decision scheduled for action for the following month. Planning Director Liles stated this process could take 5-6 months to complete. Planning Director Liles stated some jurisdictions have begun consolidating the public input part of the process so that the Planning Board and Town Board hear the item and public input at the same time.

Planning Director Liles suggested perhaps the Town Board and Planning Board could hear the issue at the same time and eliminate an additional public input segment. Planning Director Liles stated this improved process would allow for a quicker and smoother process both for the applicant and Town staff. Attorney Morphis stated some jurisdictions have one night every quarter available for public hearings.

Mayor Pro-tem Farrell stated it appears this would create an extra meeting night for either the Planning Board or the Town Board. Mayor Mofield suggested having the Planning Board meeting before the Town Board meeting on the same night. Commissioner Parker felt that could be an issue, because Planning Director Liles could potentially need to be in both meetings at the same time. Planning Director Liles stated Town staff will come up with some proposals and bring back to the Board for consideration.

4. An Amended Ordinance to Extend the Corporate Limits of the Town of Aberdeen, NC for Annexation #47-011 submitted by Charles R. Gillis.

Attorney Morphis stated there is nothing wrong with the annexation. Attorney Morphis stated under the 2<sup>nd</sup> whereas, it explains that staff determined the recorded map was not accurate enough. Attorney Morphis stated an amended ordinance has been prepared to be recorded. Attorney Morphis stated nothing else regarding the annexation would change, and the annexation date would remain the same.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to approve the Amended Ordinance to Extend the Corporate Limits of the Town of Aberdeen, NC for Annexation #47-011 submitted by Charles R. Gillis. Motion unanimously carried.

5. Main Street Program.
  - a. Update on status of Main Street Application.
  - b. Resolution Authorizing the Reapplication to Participate in the NC Main Street Program.
  - c. Commitment to Funding.

Ray Ogden went over the four points of the Main Street Application. Mr. Ogden went over Point 1 which is organization, Point 2 which is promotion, and Point 3 which is design. Mr. Ogden stated Point 4 is a market analysis which is a project area for the Town. Mr. Ogden stated Aberdeen was in this program in 1990, and he has not determined which year the Town dropped out of the program. Mr. Ogden stated the reason to reenter the program is for the Town to take the next step. Mr. Ogden stated there is a very cohesive Board in the Town of Aberdeen and easy to get along with, staff here is wonderful, Merchant's Guild is terrific – there is a lot of energy in the Merchant's Guild right now, great Historic Preservation Commission, some ordinances passed in recent years speak well to the Town's vision, Town upgrades (benches, banners, etc.) speak well for the Town, and a committed group of stakeholders in Town (banker, Town employees, landowners, Historic Preservation Commission members). Mr. Ogden stated the timing seems right to take this project to the next level.

Mr. Ogden commended Jae Kim for all of his work in preparing data for the application. Mr. Ogden passed out an organizational chart for the Main Street Program. Mr. Ogden discussed the Main Street Executive Task Force that he thinks would need to be in place for this program to be successful. Mr. Ogden stated he would recommend Ariel Kowalick, Mike Ratkowski, Richard Gergel, Chuck Boyer, Janet Kenworthy, Shirley Starkey, Bonnie McPeake, Andy Honeycutt, Pam Graham, and one Town Council member. Mayor Mofield asked if the Town Board could recommend others to serve on this task force. Mr. Ogden stated his recommendations are only recommendations, and the Town Board could appoint whoever they see fit.

Mr. Ogden stated the main issue at this point is to discuss the funding for a full-time Main Street Manager. Mr. Ogden stated the Town would need to fund the program fully the first year, but with other costs already budgeted, there would only be a net increase of \$28,050 for the first year. Mr. Ogden stated this Main Street Manager commitment would be for three years. Mayor Pro-tem Farrell asked if this commitment would only be for three years. Manager Zell stated the program would have to be evaluated on an annual basis to determine whether or not to continue.

Mayor Mofield asked if a decision needs to be made tonight. Mr. Ogden stated a decision does not need to be made tonight, but in his opinion he feels the timing is right to move this project forward.

Manager Zell recommended the Board talk about this item at the December Work Session, after everyone has had time to think about it. Commissioner Parker stated he would like more details on what Aberdeen will get from this program, since he thinks the figures are very high.

Mayor Mofield asked Mr. Ogden to provide the Board with some information to look at to show what Main Street Programs can do and how effective Main Street Programs can become. Mr. Ogden suggested having someone from the Main Street Program in Raleigh to come down and speak to the Town Board. Commissioner McMurray suggested a special called meeting to discuss this issue. Mr. Ogden stated he will let Board members know of some potential dates for a special called meeting to bring more information to the Board.

6. Consideration of Conditional Zoning for Duplexes on Aspen Drive.

Planning Director Liles stated Pinnacle Development has approached the Town to see if the Town Board has any interest in conditional zoning. Planning Director Liles stated Pinnacle Development is interested in constructing three duplexes on Aspen Drive and the request would require rezoning to B-3 or R6-10 in which duplexes are allowed as a use by right. Planning Director Liles stated Pinnacle Development is just wondering at this point if the Board would be willing to consider conditional rezoning for this property. Mayor Mofield stated the issue in the past has been Aberdeen just has so many rental properties. Mayor Mofield stated she likes home ownership, versus rental properties because there is more interest in the Town from home owners. Mayor Mofield stated she feels like there is already enough rental property in Aberdeen. Mayor Pro-tem Farrell asked the current statistic on single family homes versus multi-family homes in Aberdeen, since rental properties were 42% in Aberdeen the last time he checked. Mayor Pro-tem Farrell stated the rental property average in Aberdeen is double that of the national average. Mayor Mofield stated generally rental properties are rented for a year, then that family moves to another rental property, or into home ownership.

Dean King, with Pinnacle Development, explained the reasoning of why his company would like to build the duplexes on Aspen Drive. Mr. King also gave a brief history of other work his company has completed.

Commissioner Wright stated he does not have a problem with the duplexes, since it will add to the tax base. Commissioner McMurray stated she does have a problem with it. Mayor Pro-tem Farrell stated he thinks this issue has already been addressed due to the 42% rental rate in Aberdeen. Commissioner Wright stated he does not think single-family homes would be built in the Aspen Drive area. Commissioner McMurray stated she thinks that area is very conducive to single family housing.

Commissioner Thomas stated he thinks the Town should focus on single family housing. Mayor Mofield stated the majority of the Board appears to believe this is a good idea, but just wrong timing for Aberdeen.

7. Service Mark and Trademark License Agreement.

Attorney Morphis stated he got this item to Town Clerk Regina Rosy after agenda packets were sent out, but he wanted the Board to review this agreement tonight. Attorney Morphis stated he also drafted a letter to Bill Marts regarding the coasters that use the Town brand. Attorney Morphis stated he and Manager Zell would like to know if the Board is comfortable with sending a letter to Bill Marts. Mayor Mofield asked if this would cost Bill Marts anything. Attorney Morphis stated that is up to the Board if they would like to charge for the use of the Town brand. Manager Zell stated it would not have to be a large fee. Planning Director Liles stated at a previous meeting the Board had indicated they did not want to charge a fee, but would like to have control over who is using the Town brand.

Attorney Morphis stated he would recommend that Manager Zell be in charge of executing the licensing agreement, and he asked the Board what they would like to do about Bill Marts. Commissioner McMurray stated she thinks Bill Marts needs to be contacted about the use of the Town brand. Commissioner Parker agreed that Bill Marts should be contacted regarding the use of the Town brand.

Mayor Mofield stated she would not want there to be any negative connotation towards anyone who shows an interest in Aberdeen. Manager Zell stated he would prefer calling Bill Marts about this issue, rather than sending him a letter. Attorney Morphis stated Ms. Kelly is working on trademarking and copyrighting the brand. Mayor Mofield asked if the town seal could be trademarked. Attorney Morphis stated people could not reproduce town seals for commercial purposes, and town seals can not be trademarked.

Attorney Morphis asked for approval for Manager Zell to contact Bill Marts about the use of the Town brand in a non-offensive way. Manager Zell stated he would contact Bill Marts the next morning and let him know a licensing agreement would be forthcoming.

8. Master Sign Plan Status and Order of Downtown Kiosk.

Planning Director Liles stated Glen Nocik is currently working on a grouping of signs that could be used for different purposes. Planning Director Liles stated there is a design for a major gateway sign, a small gateway sign, way-finding signs, directional signs, and a custom kiosk to place in the downtown area and also include maps that visitors could use to find businesses in the downtown area. Planning Director Liles stated staff would really like to have a custom kiosk in place prior to the Reindeer Fun Run scheduled for December 3, 2011 so that visitors will know how to locate businesses, and the expense could be paid for out of the downtown development budget line item. Mayor Mofield thought the library would be a great place to place the kiosk since it is in the center. Senior Planner Graham stated someone had suggested The Depot may be a good place to put the kiosk, but Senior Planner Graham stated there is just not a good location at The Depot to put the kiosk.

Planning Director Liles stated the currently designed kiosk is 6.5 feet wide and 6.5 feet tall, so it is a very large sign.

Planning Director Liles stated she will bring potential locations to the next meeting, so the Board can determine what will be the best location. Mayor Mofield asked Planning Director Liles to e-mail the Board members the potential locations so that everyone does not have to wait until the next meeting since there is a timing issue.

Commissioner Parker asked if the kiosk could be made with only one side, to decrease the cost of the sign. Planning Director Liles stated she felt there was an advantage to having two sides to the sign, since then people would know there is in fact an instructional sign. Mayor Pro-tem Farrell stated his suggestion would be to go ahead and try the first kiosk double-sided.

Planning Director Liles stated she will get a revised estimate for a single-sided sign with no legs and no hardware on the back, will e-mail it to the Board members with potential locations, and then get feedback from the Board members.

9. Selection of Administrative and Engineering Services for Midway Gardens.

Planning Director Liles stated there were three applications received for Administrative Services for the Midway Gardens CDBG Housing Development Grant and two submittals received for Engineering Services. Planning Director Liles stated however, she wants to be upfront that there were significant computer issues going on at the Town during the submittal process, and there would have been additional submittals received had it not been for the computer issues. Planning Director Liles stated if the Board wishes, this item could be sent back out for bid due to the computer issues the Town was having during the submittal process. Planning Director Liles stated a team consisting of Bill Zell, Elizabeth Cox, and Rickie Monroe reviewed the submittals. Planning Director Liles stated after looking at the proposals submitted for administrative and engineering services, Hobbs Upchurch & Associates floated to the top of the list. Planning Director Liles stated Hobbs, Upchurch and Associates is a local company, they have significant experience in grant administration and engineering services, and they are very familiar with this project. Planning Director Liles stated the selection team recommends Hobbs, Upchurch & Associates be selected for administrative and engineering services for the Midway Gardens CDBG grant.

A motion was made by Commissioner Wright, seconded by Commissioner Thomas, to authorize the Town Manager to enter into a contract for Administrative Services not to exceed \$25,000 and Engineering Services not to exceed \$225,000 based on a well defined Scope of Work to be agreed upon with Habitat. Commissioner Parker stated he did not

think the Town should necessarily enter into negotiations with Hobbs, Upchurch & Associates just because they are local and because we always default to them. Commissioner Parker stated he recommend opening this back up for bid. Commissioner Wright stated the Town has never had any problems with Hobbs, Upchurch & Associates and they have done a lot of jobs for the Town of Aberdeen. Commissioner McMurray stated she would partly agree with Commissioner Wright because Hobbs, Upchurch & Associates have obtained many grants for the Town over the years.

Commissioners Wright, Thomas, McMurray, and Farrell voted yes. Commissioner Parker voted no. Motion carried 4-1.

10. Modification of Conditional Use Permit CU#07-04 for Legacy Lakes Planned Development.

Planning Director Liles stated the Legacy Lakes conditional use permit was approved prior to adoption of the UDO. Planning Director Liles stated one of the situations that has come up, is that one potential home owner would like a particular home on a particular lot. The house plan selected by the property owner exceeds the rear set back by 3.3 feet. The applicant is requesting relief from the required fifty feet rear setback in order to accommodate the house plan. Senior Planner Graham stated there is a long stretch of homes in the northeastern perimeter of the development, and this home is located at the end of the stretch where the lots get shallower as you reach the end of the stretch. Legacy was approved with a 50' rear setback. Senior Planner Graham stated Tradition Homes is making this request on behalf of the property owner and has the blessing from Forest City.

Gary Hill with Tradition Homes stated he is asking for the setback to be reduced on the one rear side.

A motion was made by Commissioner Thomas, seconded by Commissioner Wright, to approve the modification of Conditional Use Permit CU#07-04 for Legacy Lakes Planned Development as presented. Motion unanimously carried.

11. Consent Judgment with the Town of Pinebluff.

Planning Director Liles stated the Town of Pinebluff has considered the consent judgment with the attached map. Planning Director Liles walked the Board through the map and expressed the area in green would be in Pinebluff's ETJ expansion area, and the area in the pink color on the map would be in Aberdeen's ETJ expansion area.

Mayor Pro-tem Farrell and Manager Zell stated they believe this agreement is in the best interest of Aberdeen, since if no agreement is reached, then Pinebluff will receive more area than what they would get with this agreement.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to approve the Consent Judgment with the Town of Pinebluff. Motion unanimously carried.

12. UDO Amendment to Allow Urban Chickens.

Planning Director Liles stated the support material is for the Board's review and can be discussed at a later meeting.

13. Recording and Audio Equipment for Board Room and Conference Room.

Town Clerk Regina Rosy gave a brief overview of the problems encountered with the current recording and audio equipment. Town Clerk Regina Rosy stated she had two companies (Central Security Systems and Quality Sound Video) come in and evaluate the current situation, and quote what was needed to bring the Board Room and Conference Room up to date.

Town Clerk Regina Rosy stated the price from Central Security Systems was \$5,162 cheaper than the quote from Quality Sound and Video, but Quality Sound and Video has much more experience working with Board rooms for municipalities. Commissioner Wright asked if references had been checked for these two companies. Town Clerk Regina Rosy stated she will check references for each company. Mayor Mofield and Commissioner McMurray recommended Town staff work with someone who is familiar with this type of equipment, and have another opinion on which quote would work better for the Town. Mayor Mofield recommended Gene Currie and Commissioner McMurray recommended David Allman. Town Clerk Regina Rosy stated Town staff will report back on Nov. 10<sup>th</sup> and inform the Board of additional information.

14. Other Business.

a. November 15<sup>th</sup> Chamber of Commerce Event

Manager Zell asked the Board members if they would be attending the Chamber event on November 15<sup>th</sup>. Mayor Pro-tem Farrell, Commissioner McMurray, and Manager Zell stated they would be attending.

b. Manager Zell stated he received a letter that the PARTF committee has approved 7 projects and Aberdeen is on the list. Manager Zell stated he will know by January if PARTF funds come in to pay for these projects.

c. Manager Zell stated he would like to bring up the issue again of the possibility of moving from standard billing for business licenses to gross receipts. Manager Zell stated he would like to go ahead and discuss this issue further before the next budget process.

- d. Manager Zell stated there is a Municipal agreement with NC DOT for the Morganton Road project that needs to be signed by the Mayor. Manager Zell stated basically he thinks NC DOT is trying to cover themselves, but the Town of Aberdeen does not have any water and sewer lines running through that area, therefore he sees no problem with signing this agreement.
- e. Mayor Mofield requested that Rickie Monroe have his staff replace the nandina plants that were butchered last week at The Depot.

15. Closed Session – Personnel

A motion was made by Commissioner Wright, seconded by Mayor Pro-tem Farrell to go into Closed Session pursuant to G.S. 143-318.11(a)(6) to discuss a personnel matter and pursuant to G.S. 143-318.11(a)(3) to discuss matters protected by attorney-client privilege that relate to the lawsuit known as Town of Aberdeen v. NC Department of Transportation. Motion unanimously carried.

The Board returned from Closed Session with no action taken.

16. Adjournment.

A motion was made by Commissioner Wright, seconded by Commissioner Parker, to adjourn the Work Session. Motion unanimously carried.

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Regina M. Rosy, Town Clerk

Minutes were completed in  
Draft form on November 7, 2011

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Elizabeth B. Mofield, Mayor

Minutes were approved  
on November 14, 2011